



Agua Hedionda South Shore Specific Plan

Questions & Answers

Measure A

Special Election
February 23, 2016

This informational brochure was produced by the City of Carlsbad to help voters understand the Agua Hedionda South Shore Specific Plan, which will appear as Measure A on a Feb. 23, 2016, special election ballot. This guide is not intended to expressly advocate either in favor of or against Measure A, rather to provide factual information about its potential effect on Carlsbad land use policies. 01/27/16

About the Plan

What is the Agua Hedionda South Shore Specific Plan?

The Agua Hedionda South Shore Specific Plan was proposed May 12, 2015, by three Carlsbad residents through a citizen-led initiative sponsored by Caruso Affiliated. The plan would change land uses changes on a 203.4 acre privately owned property located east of I-5, between the south shore of the Agua Hedionda Lagoon and Cannon Road. The major land use changes being proposed are:

- Reduce the amount of land where visitor-serving commercial development is allowed from 48.3 acres to 26.7 acres.
- Increase the amount of land designated as permanent open space from 155.1 acres to 176.7 acres.

The plan includes provisions to guarantee continued strawberry farming and coastal agriculture, preserve and maintain natural habitat, and provide and maintain publicly accessible trails and open space. The visitor-serving commercial development includes open air shopping, dining, entertainment and recreational uses.

How big is the visitor-serving commercial use, and is the size allowed?

Visitor-serving commercial development is currently allowed on 48.3 acres of the property. If Measure A passes, visitor-serving commercial development would only be allowed on 26.7 acres. Measure A limits the size of the visitor-serving commercial development to a maximum of 585,000 square feet of building area. Current city standards do not place a limit on the maximum square footage allowed on the 48.3 acres.

By comparison, the acreage of the visitor-serving commercial uses in Measure A would be about the same as the Carlsbad Premium Outlets (26.65 acres), more than The Forum (18.3 acres) and about one-fourth of the total acreage of the Shoppes at Carlsbad, formerly Westfield Carlsbad (96.66 acres). Comparing square footage, the maximum square footage allowed under Measure A is about half the square footage of the former Westfield Carlsbad (1,151,092 square feet) and more than Carlsbad Premium Outlets (300,000) and The Forum (265,000).

How high will the buildings be and how does that compare to other shopping centers in Carlsbad?

The maximum height is 35 feet. The Shoppes at Carlsbad, formerly Westfield Carlsbad, has a maximum height of 75 feet; Carlsbad Premium Outlets has a maximum height of 38 feet; and The Forum has a maximum height of 35 feet.

Why aren't there more detailed drawings of the plan?

A "specific plan" is a comprehensive planning and zoning document that lays out the land use policy direction and rules for a particular area. All development within the specific plan would require detailed design plans. Should the specific plan be approved and implemented, city staff would review design plans for compliance with the specific plan and city standards. Design plans will not be approved if they do not comply.

How was the public involved in the creation of the plan?

Prior to the initiative being proposed, the proponents held hundreds of meetings with community members to get their ideas about the plan. A petition containing a summary of the initiative prepared by the City of Carlsbad's city attorney was circulated by initiative proponents, giving voters an opportunity to read what is being proposed and sign the petition. The public also had an opportunity to speak at City Council meetings and submit their input to the City Council members directly.

Did the plan undergo an environmental analysis?

Yes. A citizen-led initiative is not subject to state environmental review regulations under the California Environmental Quality Act. However, the initiative proponent did complete and submit an Environmental Analysis, even though it was not required. The city also conducted its own analysis, called a "9212 report," which was completed Aug. 7. The report is named after the section of the California Elections Code that governs the initiative process.

What does it mean to say some parts of the plan's implementation would be handled at the "ministerial" level?

Some actions that typically require Planning Commission or City Council approval would be acted on at the "administrative" or "ministerial" level, meaning the city's professional staff would analyze applications utilizing the standards in the approved specific plan and make a determination about compliance. If the plans meet all the standards and provisions detailed in the approved specific plan, they would be approved. If they don't, they would not be approved. This approval process is similar to the procedures in many other specific plans in Carlsbad that have been approved for business parks and other developments. Under the Measure A specific plan, the decisions reached by the city's professional staff would not be appealable to the Planning Commission or City Council.

Measure A

What question will be on the ballot?

Measure A will read as follows:

Shall Ordinance No. CS-283 of the Carlsbad City Council adopting the Agua Hedionda South Shore Specific Plan (203.4 acres east of the I-5 freeway between the Agua Hedionda Lagoon and Cannon Road), which designates 21.6 acres of additional open space, for a total of 176.7 acres of open space for public access, preservation of natural habitat and agriculture, along with development of 585,000 square feet of visitor-serving commercial uses on 26.7 acres be adopted?

If a simple majority (50 percent of the vote plus one) votes yes, the plan will proceed to the California Coastal Commission for consideration. If Measure A fails, the City Council's decision to approve the plan will be repealed.

If the measure fails, could another project be built on this property?

Yes. The 48 acres of land along the freeway is privately owned and has been designated for visitor-serving commercial development since the early '80s. In 2006, the voters passed Proposition D, which included land adjacent to the 48 acres, but did not include or change the land use for the 48 acres designated for development. The Agua Hedionda South Shore Specific Plan would develop about half of those 48 acres and convert the other half to open space. If Measure A fails, a developer could use the entire 48 acres for a visitor-serving commercial project, including the land under the power lines. Land under the power lines may not be used for buildings but could be used for surface parking.

How does Measure A compare to Proposition D?

In 2006, Carlsbad voters approved Proposition D, which designated 307 acres of land as permanent open space. The boundaries of the Proposition D land are different from the Agua Hedionda South Shore Specific Plan. Proposition D did not include the 48 acres closest to the freeway, which have been zoned for visitor-serving commercial development for more than 30 years.

Proposition D allowed and encouraged agriculture to continue as long as it was "economically viable for the land owner to do so." With the increasing cost of water and other challenges facing urban coastal agricultural operations, the future of the strawberry fields is not currently guaranteed. Today, about 30 acres are being farmed. Measure A would guarantee continued coastal agriculture on 61.5 acres, in perpetuity, by providing financial support to the farming operation, at no cost to taxpayers. Open space would be open and accessible to the public under Measure A, and habitat areas would be managed according to scientific standards, at no cost to taxpayers. Proposition D does not require management of the habitat areas or provide funding for this.

If Measure A fails, could the plan move forward in another way?

Yes. Proponents could submit the plan for approval through the city's development review process, which includes submitting an application to the city along with environmental and technical reports, review by city staff for completeness, and consideration by the Planning Commission and City Council.

Has a plan ever been proposed through an initiative in Carlsbad before?

Yes. In 2006, a citizens' initiative called Proposition E qualified for the ballot seeking to change the zoning for land along Cannon Road, east of I-5. The City of Carlsbad put its own measure on the ballot, Proposition D, calling for a different approach to zoning in this area. The city measure passed, and the citizens' initiative did not.

How does the plan change the level of oversight that would be required in the development process?

Some actions that typically require Planning Commission or City Council approval would be acted upon at the "administrative" level, meaning the city's professional staff would evaluate applications against the standards in the specific plan and make a determination about compliance. If the plans meet the standards, they would be approved. If they don't,

they would not. Under this specific plan, the decisions reached by the city’s professional staff could not be appealed to the Planning Commission or City Council.

Could the plan be changed or overturned in the future?

The plan cannot be changed or repealed without a public vote for the first 15 years, and all development must conform to the standards outlined in Measure A, without exception. After 15 years, the plan may be changed or repealed by the City Council or a public vote.

Traffic Analysis

Why would traffic be better if the plan were implemented?

By 2035, the plan would not meet the city’s Growth Management Program standard for “circulation” at eight intersections. These intersections will not meet this standard regardless of whether or not the plan is implemented. This is due primarily to projected traffic growth outside of Carlsbad that would affect city streets and intersections. Under the plan, the developer would be required to pay more than \$10 million for improvements to roads, intersections and traffic signals. These improvements would result in less future traffic congestion at the eight affected intersections than if the plan were not implemented. Read more about traffic.

When would improvements to I-5 be made?

Caltrans is scheduled to make improvements on the section of I-5 in North County beginning in 2016. The first phase includes adding carpool lanes from Lomas Santa Fe Road to Highway 78 and increasing rail service by adding a second set of tracks. This is scheduled for completion around 2020. Then Caltrans would add “express lanes,” which will ensure a reliable and significantly less-congested travel option along I-5. Additional improvements, scheduled to start around 2032, include new and improved onramps, off ramps and lanes at Cannon Road. Measure A requires the developer to contribute funding toward these improvements, and Caltrans has indicated that it will require the developer to execute a mitigation agreement. As a result, the Cannon Road improvements could be started sooner than 2032.

For more information about the I-5 improvements, visit the project website.

Environmental Analysis

Is the soil safe after years of agriculture use?

The developer is required to test the soil and, if needed, remediate any soil that does not meet state and regional health and safety guidelines prior to development.

Zoning and Land Use

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Does the plan meet the city’s growth management standards?

Carlsbad’s Growth Management Program has guided growth and development since 1986, when it was authorized by voters. The program sets standards to make sure Carlsbad has enough parks, libraries, roads, open space and important services and facilities to ensure an excellent quality of life for residents.

The Agua Hedionda South Shore Specific Plan was analyzed against each of the 11 performance standards of the city’s Growth Management Program. The analysis found the Agua Hedionda Plan meets or exceeds 10 of the 11 performance standards. The Growth Management Program traffic standards will not be met in the future, regardless of whether or not Measure A is approved. This is due to projected regional traffic increases.

How does the plan compare to current zoning and land use designations for this property?

The plan would increase the amount of open space on the property by 21.6 acres compared to current zoning and land use designations, and reduce the acreage by the same amount where "visitor-serving commercial" uses are allowed.

See before and after maps.

Will the plan change how the area looks?

Yes, although, as indicated in the city’s “9212 report,” the visual character for the majority of the area would remain similar to existing conditions. The Agua Hedionda South Shore Specific Plan allows for new sources of exterior lighting for pedestrian access to open space areas and in the visitor-serving commercial area for safety and security. The plan would create new sources of glare from building materials and potentially from rooftop photovoltaic panels.

While commercial uses would change the visual character of the site, the visual impacts would not be significant. Lighting is not allowed in the habitat preservation areas except where essential for adjacent or nearby facility use, safety and security purposes. All lighting along the perimeter of habitat preservation area will be downcast with light patterns directed away from natural areas.

For the visitor serving commercial portion, construction of commercial uses on existing agricultural lands would change the visual character of the site and introduce new man-

made features to distant views from certain vista points. However, building height would be limited to a maximum of 35 feet and would be set back from the Agua Hedionda Lagoon south shore bluff edge a minimum of 50 feet. There is also other infrastructure, such as the Encina Power Plant and transmission lines, already present. Therefore, the 9212 report concludes that views of these areas from surrounding vista points would not be substantially altered or adversely affected.

Who owns the land?

SDG&E owns the land, and Caruso Affiliated is under contract to purchase it.

Why isn't a plan approved through the initiative process subject to the California Environmental Quality Act?

The time frames mandated in the California Election Code don't allow for the type of environmental review required by CEQA, which typically takes months or years. This was challenged recently in the case Tuolumne Jobs & Small Business Alliance v. Superior Court (Walmart). The state Supreme Court issued an opinion Aug. 7, 2014, affirming that CEQA does not apply to citizen-led initiatives, whether a City Council adopts a citizen-led initiative measure directly or puts it to a vote. The court found that since both are state laws, and the Elections Code was established long before CEQA, that lawmakers would have known CEQA could not be applied to the initiative process due to time constraints. Instead, the Elections Code allows cities to request a "section 9212 report," which may include environmental analysis.

Does the plan meet the City of Carlsbad's development standards?

The City of Carlsbad has analyzed the plan and made its findings available in a document called a "9212 report," named after the section of the California Elections Code that governs citizen-led initiatives.